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ABSTRACT

There are more than 100 democracies in the world today. All but three of them--Great Britain, Israel, and New Zealand --have written constitutions. This digest examines the importance of constitutions and constitutionalism and the teaching of these concepts through the use of comparisons. The primary objectives of civic education for democratic citizenship are to acquire knowledge of constitutionalism; to use this knowledge to think and act effectively about issues of governance; and to become committed to the maintenance and improvement of constitutionalism within one's polity. In order to compare written constitutions and constitutionalism in different countries, common attributes are reviewed. Six possible attributes are: (1) the structure of government; (2) the distribution of powers among executive, legislative, and judicial branches; (3) the limitations on powers of the branches of government; (4) the guarantees of human rights; (5) the procedures for electing, appointing, and replacing government officials; and (6) the methods of constitutional amendment or change. (CB)

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TEACHING ABOUT DEMOCRATIC CONSTITUTIONALISM

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BY JOHN J. PATRICK

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Teaching about Democratic Constitutionalism

by John J. Patrick

There are more than 100 democracies in the world today (Diamond 1996, 20). All but three of them -- Great Britain, Israel, and New Zealand -- have written constitutions. And even the three democracies without written constitutions exemplify constitutionalism, which is a critical indicator of a modern democratic government.

Constitutions and Constitutionalism. A people's constitution is the supreme law that legitimates, limits, and empowers the government, which, if democratic, is based on periodic and competitive election of representatives by virtually all the adult population. It articulates the structure of government, procedures for selection and replacement of government officials, and distribution and limitations of the powers of government.

Constitutionalism means limited government and the rule of law to prevent the arbitrary, abusive use of power, to protect human rights, to support democratic procedures in elections and public policy making, and to achieve a community's shared purposes. Constitutionalism in a democracy, therefore, both limits and empowers government of, by, and for the people. Through the constitution, the people grant power to the government to act effectively for the public good. The people also set constitutional limits on the power of the democratic government in order to prevent tyranny and to protect human rights (Holmes 1995, 299). The rights of individuals to life, liberty, and property are at risk if the government is either too strong or too weak. Both tyranny and anarchy pose critical dangers to security for individual rights.

An effective democratic constitutional government is sufficiently empowered by people to secure their rights against foreign invaders or domestic predators. Its power is also sufficiently limited by people to secure their rights against the possibility of oppressive government officials. A continuing challenge of democratic constitutionalism is determining how to simultaneously empower and limit the government in order to secure the rights of all persons in the polity.

Not every government with a written constitution exemplifies democratic constitutionalism. Many constitutions have presented merely the appearance of democratic government with little or no correspondence to reality. Soviet-style constitutions of the recent past, for example, grandly proclaimed all kinds of rights while guaranteeing none of them. Only governments that usually, if not perfectly, function in terms of a constitution to which the people have consented may be considered examples of democratic constitutionalism.

Teaching the Concept of Constitutionalism. A democratic government will not endure without public understanding and support for the ideas that undergird it. And prominent among the principles of modern democracy is constitutionalism. So primary objectives of civic education for democratic citizenship are to enable students (1) to acquire knowledge of constitutionalism, (2) to use this knowledge to think and act effectively about issues of governance, and (3) to become committed to the maintenance and improvement of constitutionalism in their polity.

Students should be taught to identify and explain why particular political systems are constitutional democracies or why they are not. Through this kind of concept-learning activity, they will better understand what democratic constitutionalism is. Further, they should be challenged to apply their concept of constitutionalism to analyze and evaluate case studies about the procedures and policies of their government.

Analysis of United States Supreme Court cases is an especially effective method of teaching about democratic constitutionalism. Through its power of judicial review, the Supreme Court can invalidate acts of government that violate the United States Constitution. Teachers should use Supreme Court cases to stimulate critical thinking and inquiry among learners about constitutional issues of the past and present.

Using International Comparisons. Another effective method of teaching about democratic constitutions and constitutionalism is international comparison (Hall 1993). Learners in the United States, for example, should be challenged to compare their constitution and practices of democratic constitutionalism with those of other constitutional democracies of the contemporary world.

Teachers can use common attributes to help learners systematically compare the written constitutions and constitutionalism in different countries. Six common attributes, for example, are (1) structure of government, (2) distribution of powers among executive, legislative, and judicial branches of government, (3) limitations on powers of the branches of government, (4) guarantees of human rights, (5) procedures for electing, appointing, and replacing government officials, and (6) methods of constitutional amendment or change. These attributes, applicable to all democratic constitutions, are foundations for comparative analysis. Through this kind of international comparison, students can learn that common characteristics of modern constitutional democracies are practiced in similar and different ways throughout the world. An outcome of teaching and learning comparatively about democratic constitutionalism is broader and deeper knowledge of the concept. Students are likely to enhance comprehension

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of their own government while globally expanding their understanding of democratic principles, including constitutionalism. Further, ethnocentric tendencies are likely to diminish as students learn the variety of ways that common facets of democratic constitutionalism are practiced.

An excellent resource for comparative analysis of constitutions and constitutionalism is *Constinations of the World* by Robert L. Maddex. This book was published in 1995 by Congressional Quarterly, Inc., 1414 22nd Street, N.W., Washington, D.C. 20037. The author of this volume uses several common categories systematically to present essential similarities and differences in constitutions of 80 countries.

Using Internet Resources. An abundance of useful data on constitutionalism can be obtained through the Internet. The World Wide Web rapidly is becoming a valuable source of information for civic educators and their students. For example, copies of the constitutions of many countries can be found at this URL site: http://www.uni-wuerzburg.de/law/index.html.

Copies of the constitutions of the 50 states of the United States of America can be located at this Web address: http://www.law.sc.edu/st_cons3.htm.

The availability of many constitutions through the Internet makes feasible the regular use of comparative analysis in teaching and learning about democratic constitutionalism.

Another useful web site is http://www.the-spa.com/constitution/cs_found.htm, which offers links to various resources including the United States Constitution, Supreme Court decisions, and the Federalist Papers.

References and ERIC Resources. The following list of resources includes references used to prepare this Digest. The items followed by an ED number are available in microfiche and/or paper copies from the ERIC Document Reproduction Service (EDRS). For information about prices, contact EDRS, 7420 Fullerton Road, Suite 110, Springfield, Virginia 22153-2852; telephone numbers are (703) 440-1400 and (800) 443-3742. Entries followed by an EJ number, annotated monthly in CURRENT INDEX TO JOURNALS IN EDUCATION (CIJE), are not available through EDRS. However, they can be located in the journal section of most larger libraries by using the bibliographic information provided, requested through Interlibrary Loan, or ordered from commercial reprint services.

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